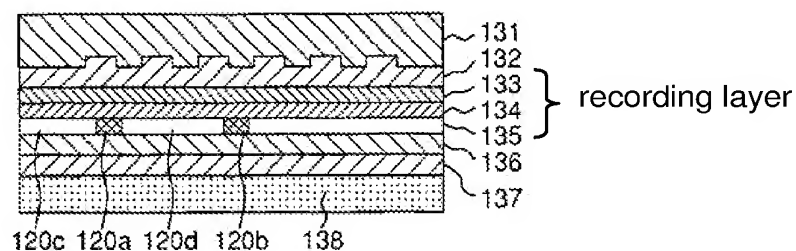


REMARKS/ARGUMENTS

Applicants have received the final Office Action dated June 9, 2008, in which the Examiner: 1) rejected claims 1-10 and 12-16 under 35 U.S.C. § 102(e) as allegedly anticipated by Murakami et al. (U.S. Pat. No. 6,973,015, hereinafter "Murakami"); and 2) rejected claim 11 under 35 U.S.C. § 103(a) as allegedly obvious over Murakami in view of Suh et al. (U.S. Pub. No. 2004/0168074, hereinafter "Suh"). With this Preliminary Amendment, Applicants have amended claims 1, 5, 6, 15 and 16 and have canceled claims 3, 7, and 8. Based upon the amendments and arguments contained herein, Applicants believe this case is in condition for allowance.

Claim 1 has been amended to specify that the second surface which contains the auxiliary information (required to be present in order to read data on the first surface) is an "exterior" surface. Murakami does not teach or even suggest this limitation. Instead, Murakami's Burst Cutting Area (BCA) (which Applicants believe the Examiner analogizes to the claimed "auxiliary information") is on an interior, not external surface. Column 14 lines 44-51 teach that the recording layer comprises two recording layers 10a and 10b and that BCA "exists in the second recording layer 10b." Column 7 lines 16-20 explain, with reference to Fig. 3 (reproduced below) that the recording layer is an internal layer comprising "a reproduction magnetic film 133, an intermediate insulating film 134 and a recording magnetic film 135."

Fig.3A



Murakami has no provision for using an external surface as required in claim 1 for the "auxiliary information," and to modify Murakami in this manner would be to change its principle of operation which is impermissible under MPEP 2143.01(VI) and would dramatically alter how the optical media is manufactured as one of ordinary skill in the art would understand. To bridge the gap between the Murakami and the claimed invention would require using the inventor's contribution in hindsight which is impermissible as well.

For at least the reasons presented above, Applicants respectfully submit that Murakami does not anticipate nor render obvious the invention of amended independent claim 1. Further, none of the other cited art (e.g., Suh) overcomes the deficiencies of Murakami. Applicants thus respectfully submit that amended independent claim 1, as well as those claims that depend from it, are not anticipated by, nor obvious in light of, Murakami alone or in combination with the other art of record.

With regard to amended independent claims 5, 15 and 16, Applicants respectfully note that these claims include limitations similar to those of amended independent claim 1. For at least the same reasons as those presented with regard to amended independent claim 1, Applicants respectfully submit that independent claims 5, 15 and 16, as amended, as well as those claims that depend upon them, are not anticipated by, nor obvious in light of, Murakami and the other art of record.

Based upon the arguments presented above, Applicants believe that all claims are in condition for allowance. Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a),

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and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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